

ESTTA Tracking number: **ESTTA596247**

Filing date: **04/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Starz Entertainment, LLC
Granted to Date of previous extension	04/02/2014
Address	8900 Liberty Circle Englewood, CO 80112 UNITED STATES
Attorney information	Ian L. Saffer Kilpatrick Townsend & Stockton LLP 1400 Wewatta Street, Suite 600 Denver, CO 80202 UNITED STATES denverteas@kilpatricktownsend.com Phone:303.571.4000

### Applicant Information

Application No	85630799	Publication date	12/03/2013
Opposition Filing Date	04/02/2014	Opposition Period Ends	04/02/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Shazam Entertainment Limited 26-28 Hammersmith Grove London, GBX W67HA GBX		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Software providing entertainment or information internet links; software providing entertainment or information internet links in response to specified audio/visual content; software providing a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content, upon request, with internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers and offers or competitions; software providing, in response to specified audio/visual content, a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content with internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers and offers or competitions; software enabling a viewer of audio/visual entertainment to access interactive audio/visual entertainment or information content; software enabling a viewer of audio/visual or media content to access entertainment or information; software enabling a viewer of audio/visual or media content to access retail services providers; software enabling a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment or information content to access, online or via mobile phone, interactive audio/visual

entertainment or information content, offers or competitions and/or retail services providers; software enabling a viewer of DVDs, or other optical media, to access interactive audio/visual entertainment or information content; software enabling a viewer of films or radio, television or streaming programmes or other audio/visual entertainment to access interactive audio/visual entertainment or information content; software for recognition of audio/visual content; software for identification of audio/visual content; software which recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio/visual entertainment or information content; software which recognizes specified audio/visual content and, in response, provides access to entertainment or information and/or retail services providers and/or offers or competitions; software for music recognition; software for recognition of images; software for music identification; software for accessing information relating to music and audio/visual recordings; software for searching information from a global computer network or the Internet; databases of recorded music files, downloadable and recorded on computer media; databases of recorded music, downloadable and recorded on computer media; downloadable electronic wallpaper, graphics, music computer games, ring tones via the Internet and wireless devices

**Class 035. First Use: 0 First Use In Commerce: 0**

All goods and services in the class are opposed, namely: The rental of advertising space; the receipt of orders from consumers for entertainment-related goods or services and the transfer of said orders to retailers of entertainment-related goods or services; the receipt of orders from consumers for entertainment performance tickets and the transfer of said orders to retailers of entertainment performance tickets; the receipt of orders from consumers for music and the transfer of said orders to retailers of music; the receipt of orders from consumers for entertainment information and the transfer of said orders to retailers of entertainment information; the receipt of orders from consumers for pre-recorded music and the transfer of said orders to retailers of pre-recorded music; the receipt of orders from consumers for ring tones and the transfer of said orders to ring tone providers; the receipt of orders from consumers for electronic wallpaper or other graphical images and the transfer of said orders to electronic wallpaper providers; the receipt of orders from consumers for audio/video recordings of performances by musical artists and the transfer of said orders to retailers of audio/video recordings of performances by musical artists; the receipt of orders from consumers for pre-recorded audio/visual entertainment content and the transfer of said orders to retailers of pre-recorded audio/visual entertainment content; procurement, namely, purchasing tickets to entertainment events for others; retail store services in the field of musical sound recordings; the bringing together, for the benefit of others, of a variety of goods being audio recordings, ring tones, electronic wallpaper or other graphical images, and audio/video recordings of performances by musical artists, enabling customers to conveniently view, purchase and download those goods from an Internet website specializing in the marketing of audio recordings, ring tones, electronic wallpaper or other graphical images, and audio/video recordings of performances by musical artists; the bringing together, for the benefit of others, of a variety of goods being pre-recorded audio/visual entertainment content enabling customers to conveniently view, purchase and/or download those goods from an Internet website specializing in the marketing of audio/visual entertainment content; information and advisory services relating to each of the aforesaid services

**Class 038. First Use: 0 First Use In Commerce: 0**

All goods and services in the class are opposed, namely: Telecommunications services, namely, electronic messaging; Providing on-line communications links via telephone or mobile phone which transfer the web site user to other local and global web pages; electronic wireless delivery of internet links via telephone or mobile phone; electronic wireless delivery of information via telephone or mobile phone; electronic wireless delivery of audio/visual content via telephone or mobile phone; electronic wireless transmission to consumers of internet links to interactive audio/visual entertainment content; electronic wireless transmission to consumers, upon request, of internet links to interactive audio/visual entertainment content; electronic wireless transmission to consumers of internet links to information, sales offers and/or competitions; electronic wireless transmission to consumers, upon request, of internet links to information, sales offers and/or competitions; electronic wireless transmission to consumers of internet links to information, sales offers and/or competitions in response to specified audio/visual content; electronic wireless delivery of audio recordings via telephone or mobile phone; electronic wireless delivery of audio/video recordings of performances by musical artists delivered via telephone or mobile phone; Providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information; providing online chat rooms and electronic bulletin

boards for transmission of messages among users in the field of general interest; providing online forums for the transmission of messages, comments, information and audio/visual entertainment content among users; Providing on-line facilities for real-time interaction with other computer users and users of telephones and mobile phones and electronic bulletin boards concerning topics of interest relating to entertainment and music information; provision of access to electronic communication networks and the Internet; information and advisory services relating to each of the aforesaid services; providing entertainment or information internet links; providing on-line communications links which transfer the web site user to other local and global web pages in the field of entertainment; Providing on-line communications links which transfer the web site user to other local and global web pages in the field of entertainment in response to specified audio/visual content; services providing a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content, upon request, with on-line communications links which transfer the web site user to other local and global web pages for relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers, offers or competitions and entertainment or information; services providing, in response to specified audio/visual content, a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content with on-line communications links which transfer the web site user to other local and global web pages for internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers, offers or competitions and entertainment or information; Internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access interactive audio/visual entertainment or information content; Internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access entertainment or information; Internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access retail services providers; Internet access provider services, namely, services enabling a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content to access, online or via mobile phone, interactive audio/visual entertainment content, entertainment or information and/or retail services providers, and/or offers or competitions; Internet access provider services, namely, services enabling a viewer of DVDs, or other optical media, to access interactive audio/visual entertainment content; Internet access provider services, namely, services enabling a viewer of films or other audio/visual entertainment to access interactive audio/visual entertainment content; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for interactive audio/visual entertainment content; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for entertainment or information, offers or competitions and/or retail services providers; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for interactive audio/visual entertainment content in response to specified audio/visual content; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for entertainment or information, offers or competitions and/or retail services providers in response to specified audio/visual content; information and advisory services relating to each of the aforesaid services

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing online journals, namely, blogs featuring entertainment information and audio/visual entertainment content; Provision of information relating to audio/visual entertainment content; provision of information relating to music via telephone or mobile phone or via the Internet; provision of information relating to music, entertainment and other entertainment and music related information via telephone or mobile phone where said music is relayed to the information provider via telephone or mobile phone; provision of location based information, relating to entertainment, to telephone or mobile phone users; information and advisory services relating to each of the aforesaid services

Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Providing temporary use of online, non-downloadable software that provides audio/visual content recognition services; providing temporary use of online non-downloadable software that provides audio/visual content identification services; Providing temporary use of online, non-downloadable software that provides music recognition services; Providing temporary use of online, non-downloadable software that provides music identification services; Providing temporary use of online, non-downloadable software that recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio/visual entertainment or information content; Providing temporary use of online, non-downloadable


software that recognizes specified audio/visual entertainment content and, in response, provides access to entertainment or information, offers or competitions and/or retail services providers; information and advisory services relating to each of the aforesaid services

## Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)


## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2368620	Application Date	08/18/1999
Registration Date	07/18/2000	Foreign Priority Date	NONE
Word Mark	ENCORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1999/05/22 First Use In Commerce: 1999/05/22 Cable and satellite television broadcasting Class 041. First use: First Use: 1999/05/22 First Use In Commerce: 1999/05/22 entertainment services in the nature of cable and satellite television programming		


U.S. Registration No.	2604003	Application Date	01/04/2001
Registration Date	08/06/2002	Foreign Priority Date	NONE
Word Mark	ENCORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Cable and satellite television broadcasting		

	Class 041. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Entertainment services in the nature of cable and satellite television programming
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U.S. Registration No.	3080792	Application Date	10/20/2004
Registration Date	04/11/2006	Foreign Priority Date	NONE
Word Mark	ENCORE LOVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network		

U.S. Registration No.	3080794	Application Date	10/20/2004
Registration Date	04/11/2006	Foreign Priority Date	NONE
Word Mark	ENCORE DRAMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network		

U.S. Registration No.	3080793	Application Date	10/20/2004
Registration Date	04/11/2006	Foreign Priority Date	NONE
Word Mark	ENCORE WESTERNS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network		

U.S. Registration No.	3086615	Application Date	10/20/2004
Registration Date	04/25/2006	Foreign Priority Date	NONE
Word Mark	ENCORE ACTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2005/03/28 First Use In Commerce: 2005/03/28 Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ian L. Saffer/
Name	Ian L. Saffer
Date	04/02/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/630,799  
Published in the Official Gazette on December 3, 2013

STARZ ENTERTAINMENT, LLC,	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	
	)	
SHAZAM ENTERTAINMENT	)	
LIMITED,	)	
	)	
Applicant.	)	
	)	
	)	
	)	
	)	
	)	
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**NOTICE OF OPPOSITION**


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Starz Entertainment, LLC (“Opposer”), a limited liability company duly organized and existing under the laws of the State of Colorado, having its headquarters at 8900 Liberty Circle, Englewood, Colorado 80112, believes that it will be damaged by registration of the mark shown in Application Serial No. 85/630,799 and hereby opposes the same.

As grounds for opposition, Opposer alleges:

1. Opposer has adopted and continuously used the mark “ENCORE” since as early as 1991 for services in International Classes 38 and 41, including cable and satellite television broadcasting services, entertainment services in the nature of cable and satellite television programming, entertainment-related web sites, and related on-line broadcasting/webcasting and entertainment services.
2. Opposer is the owner of various valid and subsisting U.S. trademark registrations on the Principal Register for ENCORE and ENCORE-derivative marks, including the following:



MARK	REG. NO.	GOODS/SERVICES	FILING DATE	FIRST USE DATE
ENCORE	2604003	Cable and satellite television broadcasting, in IC 38; and  Entertainment services in the nature of cable and satellite television programming, in IC 41	1/4/01	4/91
	2368620	Cable and satellite television broadcasting, in IC 38; and  Entertainment services in the nature of cable and satellite television programming, in IC 41	8/18/99	5/22/99
ENCORE DRAMA	3080794	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network, in IC 41	10/20/04	3/28/05
ENCORE WESTERNS	3080793	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network, in IC 41	10/20/04	3/28/05
ENCORE ACTION	3086615	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network, in IC 41	10/20/04	3/28/05
ENCORE LOVE	3080792	Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network, in IC 41	10/20/04	3/28/05

Pursuant to 37 CFR § 2.122(d)(1), copies of these registrations prepared and issued by the U.S. Patent and Trademark Office, including current status of and current title to the registrations, are attached as Exhibits 1-6.

3. In addition to its various federal trademark registrations, Opposer also enjoys common law rights for its ENCORE marks based on long-standing, extensive use of the marks in commerce.

4. Opposer's common law and federal registration rights in and to the ENCORE and ENCORE family of marks are collectively referred to below as the "ENCORE Marks."

5. As a result of substantial business transacted and extensive advertising and promotion, Opposer has established valuable goodwill in the ENCORE Marks, and the public has come to associate the ENCORE Marks with Opposer and to know the ENCORE Marks as indicators of products and services that emanate from Opposer. Indeed, the ENCORE marks are strong marks well-known to purchasers.

6. Shazam Entertainment Limited, a United Kingdom Company, having an address of 26-28 Hammersmith Grove, London, W67HA United Kingdom ("Applicant") filed a trademark application for the mark SHAZAM ENCORE, which was assigned U.S. Application Serial No. 85/630,799 (which is the subject of this Opposition) for use in connection with the following goods and services: *"Software providing entertainment or information internet links; software providing entertainment or information internet links in response to specified audio/visual content; software providing a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content, upon request, with internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers and offers or competitions; software providing, in response to specified audio/visual content, a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content with internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers and offers or competitions; software enabling a viewer of audio/visual entertainment to access interactive audio/visual entertainment or information content; software enabling a viewer of audio/visual or media content to access entertainment or information; software enabling a viewer of audio/visual or media content to access retail services providers; software enabling a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment or information content to access, online or via mobile phone, interactive audio/visual entertainment or information content, offers or competitions and/or retail services providers; software enabling a viewer of DVDs, or other optical media, to access interactive audio/visual entertainment or information content; software enabling a viewer of films or radio, television or streaming programmes or other audio/visual entertainment to access interactive audio/visual entertainment or information content; software for recognition of audio/visual content; software for identification of audio/visual content. software which recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio/visual entertainment or information content; software which recognizes specified audio/visual content and, in response, provide access to entertainment or information and/or retail services providers and/or offers or competitions; software for music recognition; software for recognition of images; software for music identification; software for accessing information relating to music and audio/visual recordings; software for searching information from a global computer network or the Internet; databases of recorded music files,*

downloadable and recorded on computer media; databases of recorded music, downloadable and recorded on computer media; downloadable electronic wallpaper, graphics, music computer games, ring tones via the Internet and wireless devices” in International Class 9, for “The rental of advertising space; the receipt of orders from consumers for entertainment-related goods or services and the transfer of said orders to retailers of entertainment-related goods or services; the receipt of orders from consumers for entertainment performance tickets and the transfer of said orders to retailers of entertainment performance tickets; the receipt of orders from consumers for music and the transfer of said orders to retailers of music; the receipt of orders from consumers for entertainment information and the transfer of said orders to retailers of entertainment information; the receipt of orders from consumers for pre-recorded music and the transfer of said orders to retailers of pre-recorded music; the receipt of orders from consumers for ring tones and the transfer of said orders to ring tone providers; the receipt of orders from consumers for electronic wallpaper or other graphical images and the transfer of said orders to electronic wallpaper providers; the receipt of orders from consumers for audio/video recordings of performances by musical artists and the transfer of said orders to retailers of audio/video recordings of performances by musical artists; the receipt of orders from consumers for pre-recorded audio/visual entertainment content and the transfer of said orders to retailers of pre-recorded audio/visual entertainment content; procurement, namely, purchasing tickets to entertainment events for others; retail store services in the field of musical sound recordings. the bringing together, for the benefit of others, of a variety of goods being audio recordings, ring tones, electronic wallpaper or other graphical images, and audio/video recordings of performances by musical artists, enabling customers to conveniently view, purchase and download those goods from an Internet website specializing in the marketing of audio recordings, ring tones, electronic wallpaper or other graphical images, and audio/video recordings of performances by musical artists; the bringing together, for the benefit of others, of a variety of goods being pre-recorded audio/visual entertainment content enabling customers to conveniently view, purchase and/or download those goods from an Internet website specializing in the marketing of audio/visual entertainment content; information and advisory services relating to each of the aforesaid services” in International Class 38, for “Telecommunications services, namely, electronic messaging; Providing on-line communications links via telephone or mobile phone which transfer the web site user to other local and global web pages; electronic wireless delivery of internet links via telephone or mobile phone; electronic wireless delivery of information via telephone or mobile phone; electric wireless delivery of audio/visual content via telephone or mobile phone; electronic wireless transmission to consumers of internet links to interactive audio/visual entertainment content; electronic wireless transmission to consumers, upon request, of internet links to interactive audio/visual entertainment content; electronic wireless transmission to consumers of internet links to interactive audio/visual entertainment content in response to specified audio/visual content; electronic wireless transmission to consumers of internet links to information, sales offers and/or competitions; electronic wireless transmission to consumers, upon request, of internet links to information, sales offers and/or competitions; electronic wireless transmission to consumers of internet links to information, sales offers and/or competitions in response to specified audio/visual content; electronic wireless delivery of audio recordings via telephone or mobile phone; electronic wireless delivery of audio/video recordings of performances by musical artists delivered via telephone or mobile phone; Providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing online forums for the transmission of messages, comments, information and

audio/visual entertainment content among users. Providing on-line facilities for real-time interaction with other computer users and users of telephones and mobile phones and electronic bulletin boards concerning topics of interest relating to entertainment and music information; provision of access to electronic communication networks and the Internet; information and advisory services relating to each of the aforesaid services; providing entertainment or information internet links; providing on-line communications links which transfer the web site user to other local and global web pages in the field of entertainment; Providing on-line communications links which transfer the web site user to other local and global web pages in the field of entertainment in response to specified audio/visual content; services providing a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content, upon request, with on-line communications links which transfer the web site user to other local and global web pages for relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers, offers or competitions and entertainment or information; services providing, in response to specified audio/visual content, a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content with on-line communications links which transfer the web site user to other local and global web pages for internet links to relevant goods, services or information including, other audio/visual entertainment or information content, retail services providers, offers or competitions and entertainment or information. Internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access interactive audio/visual entertainment or information content; Internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access entertainment or information; Internet access provider services, namely, services enabling a viewer of audio/visual entertainment to access retail services providers; Internet access provider services, namely, services enabling a viewer of radio, television or streaming programmes, cinematic films or other audio/visual entertainment content to access, online or via mobile phone, interactive audio/visual entertainment content, entertainment or information and/or retail services providers, and/or offers or competitions; Internet access provider services, namely, services enabling a viewer of DVDs, or other optical media, to access interactive audio/visual entertainment content; Internet access provider services, namely, services enabling a viewer of films or other audio/visual entertainment to access interactive audio/visual entertainment content; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for interactive audio/visual entertainment content; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for entertainment or information, offers or competitions and/or retail services providers; providing consumers with on-line communications links which transfer the web site user to other local and global web pages for interactive audio/visual entertainment content in response to specified audio/visual content. providing consumers with on-line communications links which transfer the web site user to other local and global web pages for entertainment or information, offers or competitions and/or retail services providers in response to specified audio/visual content; information and advisory services relating to each of the aforesaid services” in International Class 38, for “Providing online journals, namely, blogs featuring entertainment information and audio/visual entertainment content; Provision of information relating to audio/visual entertainment content; provision of information relating to music via telephone or mobile phone or via the Internet; provision of information relating to music, entertainment and other entertainment and music related information via telephone or mobile phone where said music is relayed to the information provider via telephone or mobile phone; provision of location based information, relating to entertainment, to telephone or mobile

*phone users; information and advisory services relating to each of the aforesaid services” in International Class 41, and for “Providing temporary use of online, non-downloadable software that provides audio/visual content recognition services; providing temporary use of online non-downloadable software that provides audio/visual content identification services; Providing temporary use of online, non-downloadable software that provides music recognition services; Providing temporary use of online, non-downloadable software that provides music identification services; Providing temporary use of online, non-downloadable software that recognizes specified audio/visual entertainment content and, in response, provides access to interactive audio/visual entertainment or information content; Providing temporary use of online, non-downloadable software that recognizes specified audio/visual entertainment content and, in response, provides access to entertainment or information, offers or competitions and/or retail services providers; information and advisory services relating to each of the aforesaid services” in International Class 42.*

7. Opposer adopted and used its ENCORE Marks well prior to Applicant’s priority date.

8. Applicant’s mark SHAZAM ENCORE is similar in appearance, sound, connotation and commercial impression to Opposer’s ENCORE Marks, including, but not limited to, ENCORE and ENCORE and Design. Moreover, the services and goods identified in Application Serial No. 85/630,799 for SHAZAM ENCORE are substantially similar to and/or overlap with Opposer’s services and goods sold under its various ENCORE Marks.

9. As a result of the public association of the well-known ENCORE Marks with Opposer, a likelihood of confusion exists such that Applicant’s goods and services offered under the mark SHAZAM ENCORE may be thought by consumers to emanate from Opposer, and/or may be confused with those of Opposer.

10. Registration of the mark in Application Serial No. 85/630,799, and use of Applicant’s mark SHAZAM ENCORE, is likely to cause confusion, or to cause mistake, or to deceive, particularly as to the source or origin of the goods and services with which Applicant uses its mark, and to induce purchasers to believe that the goods and services of Applicant are those of Opposer, or are endorsed by, or are in some way affiliated or associated with Opposer.

11. If Application Serial No. 85/630,799 for SHAZAM ENCORE is permitted to register, the registration by Applicant would presumptively entitle it to *prima facie* exclusive ownership and rights to the mark SHAZAM ENCORE and would, therefore, cause confusion among consumers of the relevant goods and services as to the separate and distinct sources of Applicant's goods and services and Opposer's goods and services and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in its ENCORE Marks and causing Opposer's business and reputation irreparable harm, all to the detriment of Opposer who has expended considerable sums and effort in promoting its ENCORE Marks.

Wherefore, Opposer prays that this Opposition be sustained and that registration of Application Serial No. 85/630,799 be denied. The filing fee of \$300.00 per class (\$1,500.00 total) should be charged to this firm's Deposit Account No. 20-1430 as required by 37 CFR §§ 2.101 and 2.6(a)(17). The Commissioner is also authorized to charge any additional fees that may be required, or credit any overpayment, to that Deposit Account.

Respectfully submitted,

Date: April 2, 2014

/Ian L. Saffer/

Ian L. Saffer

KILPATRICK TOWNSEND & STOCKTON LLP

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Denver, CO 80202

(303) 571-4000

Attorneys for Opposer Starz Entertainment, LLC

**CERTIFICATE OF ELECTRONIC MAILING**

I hereby certify that this correspondence was transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board by electronic filing, ESTTA filing system, on this 2<sup>nd</sup> day of April 2014

/Daniel I. Ackerman/  
Daniel I. Ackerman

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of April 2014, a true and correct copy of the foregoing NOTICE OF OPPOSITION was served by placing the same in the United States mail and UPS, postage prepaid and addressed to the following:

Shazam Entertainment Limited  
26-28 Hammersmith Grove  
London W67HA  
United Kingdom

Lisa A. Pieroni  
Kirschstein, Israel, Schiffmiller & Pieroni, P.C.  
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New York, NY 10016-2223  
Attorney for Applicant

/Daniel I. Ackerman/  
Daniel I. Ackerman

## EXHIBIT 1



**Int. Cls.: 38 and 41**

**Prior U.S. Cls.: 100, 101, 104 and 107**

**Reg. No. 2,368,620**

**United States Patent and Trademark Office**

**Registered July 18, 2000**

**SERVICE MARK  
PRINCIPAL REGISTER**



ENCORE MEDIA GROUP LLC (COLORADO CORPORATION)  
5445 DTC PARKWAY  
SUITE 600  
ENGLEWOOD, CO 80111

FOR: CABLE AND SATELLITE TELEVISION BROADCASTING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 5-22-1999; IN COMMERCE 5-22-1999.

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF CABLE AND SATELLITE TELEVISION PROGRAMMING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-22-1999; IN COMMERCE 5-22-1999.  
OWNER OF U.S. REG. NOS. 2,122,805, 2,196,465 AND OTHERS.

SER. NO. 75-778,482, FILED 8-18-1999.

MELVIN AXILBUND, EXAMINING ATTORNEY



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### Word Mark

ENCORE

### Goods and Services

IC 038. US 100 101 104. G & S: Cable and satellite television broadcasting. FIRST USE: 19990522. FIRST USE IN COMMERCE: 19990522

IC 041. US 100 101 107. G & S: entertainment services in the nature of cable and satellite television programming. FIRST USE: 19990522. FIRST USE IN COMMERCE: 19990522

### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

### Design Search Code

01.01.05 - Stars - one or more stars with seven or more points

01.01.11 - Incomplete stars; Stars, incomplete

01.05.01 - Sun, rising or setting (partially exposed or partially obstructed); Sunrise

01.15.04 - Explosions; Fireworks display; Sparks

### Serial Number

75778482

### Filing Date

August 18, 1999

### Current Basis

1A

### Original Filing Basis

1A

### Published for Opposition

April 25, 2000

### Registration Number

2368620

### Registration Date

July 18, 2000

### Owner

(REGISTRANT) Encore Media Group LLC CORPORATION COLORADO 5445 DTC Parkway

Suite 600 Englewood COLORADO 80111

(LAST LISTED OWNER) STARZ ENTERTAINMENT, LLC CORPORATION COLORADO 8900  
LIBERTY CIRCLE ENGLEWOOD COLORADO 80112

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	DAVID E. SIPIORA
<b>Prior Registrations</b>	2122805;2127676;2131075;2196465;AND OTHERS
<b>Type of Mark Register</b>	SERVICE MARK PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20091005.
<b>Renewal</b>	1ST RENEWAL 20091005
<b>Live/Dead Indicator</b>	LIVE

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09-04-2001

Form PTO-1594

(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

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101831696

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

8-27-01  
ENCORE MEDIA GROUP LLC

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☐ Corporation-State

☒ Other LIMITED LIABILITY COMPANY (CORPORATE)Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: AUGUST 21, 2001

## 2. Name and address of receiving party(ies)

Name: STARZ ENCORE GROUP LLC

Internal

Address: SUITE 600

Street Address: 5445 DTC PARKWAY

City: ENGLEWOOD State: CO Zip: 80111

☐ Individual(s) citizenship☐ Association☐ General Partnership☐ Limited Partnership☐ Corporation-State☒ Other LIMITED LIABILITY COMPANY (CORPORATE)If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☒ No N/A

(Designations must be a separate document from assignment)

Additional name(s) & address(es) attached? ☐ Yes ☒ No N/A

## 4. Application number(s) or registration number(s):

## A. Trademark Application No.(s)

(1) 75/500211

(2) 75/674095

## B. Trademark Registration No.(s)

(1) 1933755

(2) 1933819

Additional number(s) attached ☒ Yes ☐ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: LESLIE H. SMITH

Internal Address: LIACOURAS &amp; SMITH, LLP

Street Address: 1515 MARKET STREET,

9TH FLOOR

City: PHILADELPHIA State: PA Zip: 19102

## 6. Total number of applications and registrations involved: 44

7. Total fee (37 CFR 3.41) ..... \$ 1,115.00

☒ Enclosed (CREDIT CARD AUTHORIZATION)☐ Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

LESLIE H. SMITH

Name of Person Signing

Leslie H. Smith

Signature

8/27/01

Date

Total number of pages including cover sheet, attachments, and document: 4

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

TRADEMARK

REEL: 002360 FRAME: 0435

09/31/2001 LMEILLER 00000002 23500211 44 00 00 1075 00 00

01 FC:461 02 FC:462

4. Application Numbers and Registration Numbers (Continued from Cover Sheet)

A. Application Numbers

- (3) 75/676524
- (4) 75/706753
- (5) 75/707653
- (6) 75/713692
- (7) 75/713693
- (8) 75/726647
- (9) 75/726708
- (10) 75/726743
- (11) 75/727108
- (12) 75/859879
- (13) 75/870834
- (14) 75/870837

B. Registration Numbers

- |              |              |
|--------------|--------------|
| (3) 1933821  | (17) 2226332 |
| (4) 1947275  | (18) 2236836 |
| (5) 1985590  | (19) 2252170 |
| (6) 1989917  | (20) 2282284 |
| (7) 2000191  | (21) 2337233 |
| (8) 2017953  | (22) 2364064 |
| (9) 2042254  | (23) 2369422 |
| (10) 2048058 | (24) 2368620 |
| (11) 2050515 | (25) 2371121 |
| (12) 2093361 | (26) 2383323 |
| (13) 2148000 | (27) 2420043 |
| (14) 2167754 | (28) 2447582 |
| (15) 2194213 | (29) 2456291 |
| (16) 2196465 | (30) 2468226 |

Aug-22-01 09:18am From:STARZ ENCORE LEGAL

T-931 P.05/12 F-654

**ASSIGNMENT**

WHEREAS, Encore Media Group LLC ("EMG") is the owner of all rights in and to the following service marks and the corresponding registrations and applications for registration:

1. STARZ! ENCORE-8, Reg. No. 1,933,755;
2. STARZ! ENCORE-8 (and design), Reg. No. 1,933,819;
3. ENCORE (and design), Reg. No. 1,933,821;
4. STARZ! ENCORE-8 (stylized), Reg. No. 1,947,275;
5. STARZ! PICTURES, Reg. No. 1,985,590;
6. STARZ! PICTURES (and design), Reg. No. 1,989,917;
7. STARZ! CINEMATHEQUE, Reg. No. 2,000,191;
8. STARZ! MOVIE PAK, Reg. No. 2,017,953;
9. ENCORE MEDIA CORPORATION (and design), Reg. No. 2,042,254;
10. ACTION (and design), Reg. No. 2,048,058;
11. STARZ!, Reg. No. 2,050,515;
12. LOVE STORIES (and design), Reg. No. 2,093,361;
13. ENCORE MULTIPLEX (and design), Reg. No. 2,148,000;
14. ENCORE MOVIE NETWORKS, Reg. No. 2,167,754;
15. MOVIEPLEX, Reg. No. 2,194,213;
16. ENCORE NETWORK, Reg. No. 2,196,465;
17. THE MOVIES OF YOUR LIFE, Reg. No. 2,226,332;
18. MOVIES, MOVIES, ONLY MOVIES, Reg. No. 2,236,836;
19. THEMATIC MULTIPLEX, Supp. Reg. No. 2,252,170;
20. MOVIES, MOVIES, MOVIES, Supp. Reg. No. 2,282,284;
21. ENCORE'S THEMATIC MULTIPLEX, Reg. No. 2,337,233;
22. ENCORE A GREAT MOVIE EVERY NIGHT. GUARANTEED!, Reg. No. 2,364,064;
23. KISS THE VIDEO STORE GOODBYE, Reg. No. 2,369,422;
24. ENCORE (and design), Reg. No. 2,368,620;
25. STARZ! FAMILY, Reg. No. 2,371,121;
26. WAM!, Reg. No. 2,383,323;
27. STARZ! THEATER, Reg. No. 2,420,043;
28. KIDS LOVE IT. TEACHERS NEED IT. PARENTS TRUST IT., Reg. No. 2,447,582;
29. STARZ! ON DEMAND, Reg. No. 2,456,291;
30. NEW VIDEO STORE AT HOME, Reg. No. 2,468,226;
31. THE NEW ALTERNATIVE TO THE VIDEO STORE, S.N. 75/500,211;
32. E.MOTILINK, S.N. 75/674,095;
33. E.MOTILINK, S.N. 75/676,524;
34. EMOTILINK (and design), S.N. 75/706,753;
35. E.MOTILINK (and design), S.N. 75/707,653;
36. E.MOTIV.LINK, S.N. 75/713,692;

Aug-22-01 09:18am From-STARZ ENCORE LEGAL

T-931 P.06/12 F-654

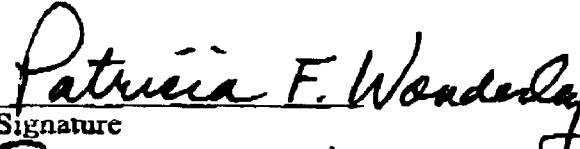
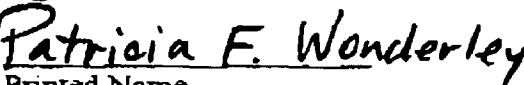
- 37. EMOTIVLINK, S.N. 75/713,693;
- 38. EMOTIV.LINK (stylized), S.N. 75/726,647;
- 39. E MOTIV.LINK, S.N. 75/726,708;
- 40. EMOTIV.LINK (and design), S.N. 75/726,743;
- 41. EMOTIV.LINK (stylized), S.N. 75/727,108;
- 42. E-MOTIV.LINK, S.N. 75/859,879;
- 43. STARZ ENCORE SUPER PAK (and design), S.N. 75/870,834; and
- 44. STARZ ENCORE SUPER PAK, S.N. 75/870,837.


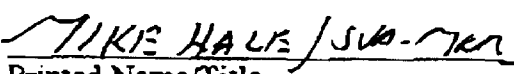
WHEREAS, Starz Encore Group LLC ("SEG"), a Colorado limited liability company with offices at 5445 DTC Parkway, Englewood, CO 80111, is desirous of acquiring all rights in and to the above-listed service marks (and the corresponding registrations and applications) and the business connected therewith.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, EMG hereby assigns to SEG all rights, title, and interest in and to the above-referenced service marks (and the corresponding registrations and applications) and the business connected therewith, together with the goodwill of the business symbolized by the marks.

WITNESS

ENCORE MEDIA GROUP LLC

  
Signature  
  
Printed Name

  
Signature  
  
Printed Name/Title

Dated: August 21, 2001

# TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Starz Encore Group LLC		10/18/2004	Limited Liability Company: COLORADO
RECEIVING PARTY DATA			
Name:	Starz Entertainment Group LLC		
Street Address:	8900 Liberty Circle		
City:	Englewood		
State/Country:	COLORADO		
Postal Code:	80112		
Entity Type:	Limited Liability Company: COLORADO		
PROPERTY NUMBERS Total: 57			
Property Type	Number	Word Mark	
Registration Number:	1933755	STARZ! ENCORE-8	
Registration Number:	1933819	STARZ! ENCORE 8	
Registration Number:	1947275	STARZ! ENCORE 8	
Registration Number:	2000191	STARZ! CINEMATHEQUE	
Registration Number:	1989917	STARZ! PICTURES	
Registration Number:	1985590	STARZ! PICTURES	
Registration Number:	2050515	STARZ!	
Registration Number:	2420043	STARZ! THEATER	
Registration Number:	2456291	STARZ! ON DEMAND	
Registration Number:	2371121	STARZ! FAMILY	
Registration Number:	2483622	STARZ ENCORE SUPER PAK	
Registration Number:	2486155	STARZ ENCORE SUPER PAK	
Registration Number:	2783505	BLACK STARZ!	
Serial Number:	76183908	STARZ! COMEDY	

CH \$1440.00 1933755

900017788

**TRADEMARK**  
**REEL: 003005 FRAME: 0617**



Serial Number:	76183909	STARZ! KIDZ
Registration Number:	2630415	STARZ SUPER PAK
Registration Number:	2623610	STARZ! CINEMA
Registration Number:	2651265	STARZ!
Serial Number:	76306283	ORIENTAL STARZ!
Serial Number:	76306284	CHINESE STARZ!
Serial Number:	76306285	GOLDEN STARZ!
Registration Number:	2763422	BLACK STARZ!
Serial Number:	78225643	
Serial Number:	78436564	STARZ! HD
Serial Number:	78436574	STARZ! TICKET
Serial Number:	78436449	STARZ! TICKET
Serial Number:	78473511	
Serial Number:	78473543	STARZ
Registration Number:	2444580	CELEBRATING THE BLACK EXPERIENCE
Registration Number:	2494474	WHERE SUSPENSE RULES
Registration Number:	2504374	NON-STOP XCITEMENT
Registration Number:	2517131	MOVIES 'TIL THE COWS COME HOME
Registration Number:	2368620	ENCORE
Registration Number:	2504387	SADDLE UP WITH THE LEGENDS
Registration Number:	2504388	ESCAPE TO ROMANCE
Registration Number:	2604003	ENCORE
Registration Number:	2572361	#1 IN NEW HIT MOVIES
Registration Number:	2637243	HIT MOVIES YOU CONTROL
Registration Number:	2662717	WESTERNS
Registration Number:	2715532	HUNDREDS OF MOVIES MILLIONS OF EMOTIONS
Registration Number:	2756208	A ACTION
Registration Number:	2048058	ACTION
Registration Number:	2093361	LOVE STORIES
Registration Number:	2742377	EMOTIVLINK
Registration Number:	2724713	WAM! THE TWEENZ CHANNEL
Serial Number:	75916694	TRUE STORIES
Registration Number:	2194213	MOVIEPLEX
Registration Number:	2830267	EMOTIV.LINK
Registration Number:	2364064	ENCORE A GREAT MOVIE EVERY NIGHT. GUARANTEED!

**TRADEMARK**

**REEL: 003005 FRAME: 0618**

Registration Number:	2337233	ENCORE'S THEMATIC MULTIPLEX
Registration Number:	2447582	KIDS LOVE IT. TEACHERS NEED IT. PARENTS TRUST IT.
Registration Number:	2369422	KISS THE VIDEO STORE GOODBYE
Registration Number:	2282284	MOVIES, MOVIES, MOVIES
Registration Number:	1975244	MYSTERY ENCORE 4
Registration Number:	2468226	NEW VIDEO STORE AT HOME
Registration Number:	2383323	WAM!
Serial Number:	78502446	STARZ INBLACK

CORRESPONDENCE DATA

Fax Number: (415)576-0300

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 303.571.4000

Email: denverteas@townsend.com

Correspondent Name: David E. Sipiora

Address Line 1: Two Embarcadero Center, Eighth Floor

Address Line 4: San Francisco, CALIFORNIA 94111

NAME OF SUBMITTER:	David E. Sipiora
Signature:	/des/
Date:	01/10/2005

Total Attachments: 2

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**Articles of Amendment**

filed pursuant to §7-90-301, et seq. and §7-80-209 of the Colorado Revised Statutes (C.R.S.)

ID number:

19971101448

1. Entity name:

Starz Encore Group LLC

*(If changing the name of the limited liability company, indicate  
name BEFORE the name change)*

2. New Entity name:  
(if applicable)

Starz Entertainment Group LLC

3. Use of Restricted Words *(if any of these  
terms are contained in an entity name, true  
name of an entity, trade name or trademark  
stated in this document, make the applicable  
selection):*

- ☐ "bank" or "trust" or any derivative thereof  
☐ "credit union" ☐ "savings and loan"  
☐ "insurance", "casualty", "mutual", or "surety"

4. Other amendments, if any, are attached.

5. If the limited liability company's  
period of duration as amended is  
less than perpetual, state the date  
on which the period of duration  
expires:

*(mm/dd/yyyy)*

**OR**

If the limited liability company's period of duration as amended is perpetual, mark this box:



6. *(Optional)* Delayed effective date:

*(mm/dd/yyyy)*

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

7. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

Beabout	J. Steven		Esq.
(Last)	(First)	(Middle)	(Suffix)
Starz Entertainment Group LLC			
(Street name and number or Post Office Box information)			
8900 Liberty Circle			
Englewood	CO	80112	
(City)	(State)	(Postal/Zip Code)	
(Province – if applicable)		(Country – if not US)	

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box ☒ and include an attachment stating the name and address of such individuals.)

**Disclaimer:**

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

# TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Starz Entertainment Group LLC		08/22/2006	CORPORATION: COLORADO
RECEIVING PARTY DATA			
Name:	Starz Entertainment, LLC		
Street Address:	8900 Liberty Circle		
City:	Englewood		
State/Country:	COLORADO		
Postal Code:	80112		
Entity Type:	CORPORATION: COLORADO		
PROPERTY NUMBERS Total: 68			
Property Type	Number	Word Mark	
Registration Number:	3140383		
Serial Number:	78503295	STARZ KIDS & FAMILY	
Registration Number:	3121984	MOVIES MAKE US	
Registration Number:	3115220	ENCORE WAM	
Serial Number:	78611610	VONGO	
Serial Number:	78725538	RETROPLEX	
Serial Number:	78725529	INDIEPLEX	
Serial Number:	78725519	MPLEX	
Serial Number:	78725511	RPLEX	
Serial Number:	78725506	IPLEX	
Serial Number:	78718326	ECHO	
Registration Number:	3105199	YOUR MOVIES ARE WAITING	
Registration Number:	3102213	STARZ	
Registration Number:	3102066	STARZ INBLACK	

CH \$1715.00 3140383

900060226

**TRADEMARK**  
**REEL: 003409 FRAME: 0583**

Registration Number:	3096752	STARZ EDGE
Registration Number:	3086615	ENCORE ACTION
Serial Number:	78758172	GOLDEN CARROT
Serial Number:	78696714	YOUR CHOICE
Serial Number:	78668808	LIGHTBOX
Serial Number:	78604674	MOVIES, MOVIES, MOVIES
Serial Number:	78559851	EDGE
Serial Number:	78559845	WAM
Serial Number:	78552036	STARZ DIRECT
Registration Number:	3080794	ENCORE DRAMA
Registration Number:	3080793	ENCORE WESTERNS
Registration Number:	3080792	ENCORE LOVE
Registration Number:	3077791	ENCORE MYSTERY
Registration Number:	3080791	STARZ COMEDY
Registration Number:	2756208	A ACTION
Registration Number:	3101995	
Registration Number:	3061246	STARZ
Registration Number:	2997610	STARZ! TICKET
Registration Number:	2989446	STARZ! HD
Registration Number:	2997608	STARZ! TICKET
Registration Number:	2715532	HUNDREDS OF MOVIES MILLIONS OF EMOTIONS
Registration Number:	2662717	WESTERNS
Registration Number:	2763422	BLACK STARZ!
Registration Number:	2637243	HIT MOVIES YOU CONTROL
Registration Number:	2572361	#1 IN NEW HIT MOVIES
Registration Number:	2651265	STARZ!
Registration Number:	2604003	ENCORE
Registration Number:	2504388	ESCAPE TO ROMANCE
Registration Number:	2504387	SADDLE UP WITH THE LEGENDS
Registration Number:	2504374	NON-STOP XCITEMENT
Registration Number:	2517131	MOVIES 'TIL THE COWS COME HOME
Registration Number:	2623610	STARZ! CINEMA
Registration Number:	2630415	STARZ SUPER PAK
Registration Number:	2494474	WHERE SUSPENSE RULES
Registration Number:	2444580	CELEBRATING THE BLACK EXPERIENCE

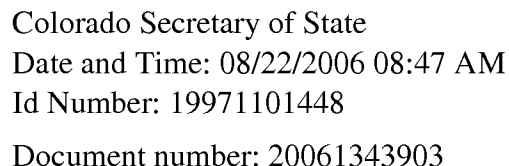
Registration Number:	2830267	EMOTIV.LINK
Registration Number:	2383323	WAM!
Registration Number:	2783505	BLACK STARZ!
Serial Number:	75916694	TRUE STORIES
Registration Number:	2724713	WAM! THE TWEENZ CHANNEL
Registration Number:	2483622	STARZ ENCORE SUPER PAK
Registration Number:	2486155	STARZ ENCORE SUPER PAK
Registration Number:	2447582	KIDS LOVE IT. TEACHERS NEED IT. PARENTS TRUST IT.
Registration Number:	2456291	STARZ! ON DEMAND
Registration Number:	2368620	ENCORE
Registration Number:	2742377	EMOTIVLINK
Registration Number:	2420043	STARZ! THEATER
Registration Number:	2468226	NEW VIDEO STORE AT HOME
Registration Number:	2282284	MOVIES, MOVIES, MOVIES
Registration Number:	2194213	MOVIEPLEX
Registration Number:	2050515	STARZ!
Registration Number:	2093361	LOVE STORIES
Registration Number:	2040858	GOLDMARK
Registration Number:	3039891	

#### CORRESPONDENCE DATA

Fax Number: (415)576-0300  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 303.571.4000  
 Email: denverteas@townsend.com  
 Correspondent Name: David E. Sipiora  
 Address Line 1: Two Embarcadero Center, Eighth Floor  
 Address Line 4: San Francisco, CALIFORNIA 94111

ATTORNEY DOCKET NUMBER:	19281
NAME OF SUBMITTER:	David E. Sipiora
Signature:	/des/
Date:	10/16/2006

Total Attachments: 2  
 source=Starz#page1.tif  
 source=Starz#page2.tif



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filed pursuant to §7-90-301, et seq. and §7-80-209 of the Colorado Revised Statutes (C.R.S.)

☐ "bank" or "trust" or any derivative thereof  
☐ "credit union" ☐ "savings and loan"  
☐ "insurance", "casualty", "mutual", or "surety"

---

(mm/dd/yyyy)

If the limited liability company's period of duration as amended is perpetual, mark this box: ☒

6. (Optional) Delayed effective date: \_\_\_\_\_  
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<u>Starz Entertainment, LLC</u>			
<small>(Street name and number or Post Office Box information)</small>			
<u>8900 Liberty Circle</u>			
<u>Englewood</u>	<u>CO</u>	<u>80112</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
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## EXHIBIT 2

**Int. Cls.: 38 and 41**

**Prior U.S. Cls.: 100, 101, 104 and 107**

**Reg. No. 2,604,003**

**United States Patent and Trademark Office**

**Registered Aug. 6, 2002**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ENCORE**

STARZ ENCORE GROUP LLC (COLORADO LIMITED LIABILITY COMPANY)  
5445 DTC PARKWAY, SUITE 600  
ENGLEWOOD, CO 80111

FOR: CABLE AND SATELLITE TELEVISION BROADCASTING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 4-0-1991; IN COMMERCE 4-0-1991.

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF CABLE AND SATELLITE TELEVISION

PROGRAMMING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-0-1991; IN COMMERCE 4-0-1991.

OWNER OF U.S. REG. NOS. 1,933,821, 2,368,620 AND OTHERS.

SER. NO. 76-189,987, FILED 1-4-2001.

RICHARD DONNELL, EXAMINING ATTORNEY



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### Typed Drawing

<b>Word Mark</b>	ENCORE
<b>Goods and Services</b>	IC 038. US 100 101 104. G & S: Cable and satellite television broadcasting. FIRST USE: 19910400. FIRST USE IN COMMERCE: 19910400
	IC 041. US 100 101 107. G & S: Entertainment services in the nature of cable and satellite television programming. FIRST USE: 19910400. FIRST USE IN COMMERCE: 19910400
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76189987
<b>Filing Date</b>	January 4, 2001
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 14, 2002
<b>Registration Number</b>	2604003
<b>Registration Date</b>	August 6, 2002
<b>Owner</b>	(REGISTRANT) Starz Encore Group LLC LIMITED LIABILITY COMPANY COLORADO 5445 DTC Parkway, Suite 600 Englewood COLORADO 80111
	(LAST LISTED OWNER) STARZ ENTERTAINMENT, LLC CORPORATION COLORADO 8900 LIBERTY CIRCLE ENGLEWOOD COLORADO 80112
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David E. Sipiora
<b>Prior</b>	1933821;2364064;2368620;AND OTHERS

**Registrations**

**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120723.  
**Renewal** 1ST RENEWAL 20120723  
**Live/Dead Indicator** LIVE

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## EXHIBIT 3

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,086,615**

**Registered Apr. 25, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ENCORE ACTION**

STARZ ENTERTAINMENT GROUP LLC (COL-  
ORADO LTD LIAB CO)  
8900 LIBERTY CIRCLE  
ENGLEWOOD, CO 80112

FOR: ENTERTAINMENT SERVICES IN THE  
NATURE OF PROGRAMMING AND PRODUC-  
TION OF MOTION PICTURES AND TELEVISION  
PROGRAMS FOR CABLE AND SATELLITE TELE-  
VISION BROADCASTING; DISTRIBUTION OF MO-  
TION PICTURES AND AUDIO AND VIDEO  
PROGRAMMING FOR TRANSMISSION VIA A  
GLOBAL COMMUNICATIONS NETWORK, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-28-2005; IN COMMERCE 3-28-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,048,058, 2,604,003,  
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE ACTION, APART FROM THE  
MARK AS SHOWN.

SN 78-503,284, FILED 10-20-2004.

JENNIFER WILLISTON, EXAMINING ATTORNEY



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## ENCORE ACTION

<b>Word Mark</b>	ENCORE ACTION
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and audio and video programming for transmission via a global communications network. FIRST USE: 20050328. FIRST USE IN COMMERCE: 20050328
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78503284
<b>Filing Date</b>	October 20, 2004
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 18, 2005
<b>Registration Number</b>	3086615
<b>Registration Date</b>	April 25, 2006
<b>Owner</b>	(REGISTRANT) Starz Entertainment Group LLC LIMITED LIABILITY COMPANY COLORADO 8900 Liberty Circle Englewood COLORADO 80112



(LAST LISTED OWNER) STARZ ENTERTAINMENT, LLC CORPORATION COLORADO 8900  
LIBERTY CIRCLE ENGLEWOOD COLORADO 80112

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David E. Sipiora
<b>Prior Registrations</b>	2048058;2368620;2604003;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE Action APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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## EXHIBIT 4

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,080,794**

**Registered Apr. 11, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ENCORE DRAMA**

STARZ ENTERTAINMENT GROUP LLC (COLORADO LTD LIAB CO)  
8900 LIBERTY CIRCLE  
ENGLEWOOD, CO 80112

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF PROGRAMMING AND PRODUCTION OF MOTION PICTURES AND TELEVISION PROGRAMS FOR CABLE AND SATELLITE TELEVISION BROADCASTING; DISTRIBUTION OF MOTION PICTURES AND TELEVISION PROGRAMMING VIA A GLOBAL COMMUNICATIONS NETWORK, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-28-2005; IN COMMERCE 3-28-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,368,620 AND 2,604,003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DRAMA", APART FROM THE MARK AS SHOWN.

SN 78-503,291, FILED 10-20-2004.

ODESSA BIBBINS, EXAMINING ATTORNEY



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## ENCORE DRAMA

<b>Word Mark</b>	ENCORE DRAMA
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network. FIRST USE: 20050328. FIRST USE IN COMMERCE: 20050328
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78503291
<b>Filing Date</b>	October 20, 2004
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 11, 2005
<b>Registration Number</b>	3080794
<b>Registration Date</b>	April 11, 2006
<b>Owner</b>	(REGISTRANT) Starz Entertainment Group LLC LIMITED LIABILITY COMPANY COLORADO 8900 Liberty Circle Englewood COLORADO 80112

(LAST LISTED OWNER) STARZ ENTERTAINMENT, LLC CORPORATION COLORADO 8900  
LIBERTY CIRCLE ENGLEWOOD COLORADO 80112

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David E. Sipiora
<b>Prior Registrations</b>	2368620;2604003
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DRAMA" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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## EXHIBIT 5

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**Reg. No. 3,080,792**

**United States Patent and Trademark Office**

**Registered Apr. 11, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ENCORE LOVE**

STARZ ENTERTAINMENT GROUP LLC (COLORADO LTD LIAB CO)  
8900 LIBERTY CIRCLE  
ENGLEWOOD, CO 80112

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF PROGRAMMING AND PRODUCTION OF MOTION PICTURES AND TELEVISION PROGRAMS FOR CABLE AND SATELLITE TELEVISION BROADCASTING; DISTRIBUTION OF MOTION PICTURES AND TELEVISION PROGRAMMING VIA A GLOBAL COMMUNICATIONS NETWORK, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-28-2005; IN COMMERCE 3-28-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,368,620 AND 2,604,003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LOVE", APART FROM THE MARK AS SHOWN.

SN 78-503,286, FILED 10-20-2004.

ODESSA BIBBINS, EXAMINING ATTORNEY



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## ENCORE LOVE

<b>Word Mark</b>	ENCORE LOVE
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network. FIRST USE: 20050328. FIRST USE IN COMMERCE: 20050328
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78503286
<b>Filing Date</b>	October 20, 2004
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 11, 2005
<b>Registration Number</b>	3080792
<b>Registration Date</b>	April 11, 2006
<b>Owner</b>	(REGISTRANT) Starz Entertainment Group LLC LIMITED LIABILITY COMPANY COLORADO 8900 Liberty Circle Englewood COLORADO 80112



(LAST LISTED OWNER) STARZ ENTERTAINMENT, LLC CORPORATION COLORADO 8900  
LIBERTY CIRCLE ENGLEWOOD COLORADO 80112

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David E. Sipiora
<b>Prior Registrations</b>	2368620;2604003
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LOVE" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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## EXHIBIT 6

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 3,080,793**

**Registered Apr. 11, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ENCORE WESTERNS**

STARZ ENTERTAINMENT GROUP LLC (COLORADO LTD LIAB CO)  
8900 LIBERTY CIRCLE  
ENGLEWOOD, CO 80112

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF PROGRAMMING AND PRODUCTION OF MOTION PICTURES AND TELEVISION PROGRAMS FOR CABLE AND SATELLITE TELEVISION BROADCASTING; DISTRIBUTION OF MOTION PICTURES AND TELEVISION PROGRAMMING VIA A GLOBAL COMMUNICATIONS NETWORK, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-28-2005; IN COMMERCE 3-28-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,368,620, 2,662,717, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WESTERNS", APART FROM THE MARK AS SHOWN.

SN 78-503,290, FILED 10-20-2004.

ODESSA BIBBINS, EXAMINING ATTORNEY



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## ENCORE WESTERNS

<b>Word Mark</b>	ENCORE WESTERNS
<b>Goods and Services</b>	IC 041. US 100 101 107. G & S: Entertainment services in the nature of programming and production of motion pictures and television programs for cable and satellite television broadcasting; distribution of motion pictures and television programming via a global communications network. FIRST USE: 20050328. FIRST USE IN COMMERCE: 20050328
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78503290
<b>Filing Date</b>	October 20, 2004
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	October 11, 2005
<b>Registration Number</b>	3080793
<b>Registration Date</b>	April 11, 2006
<b>Owner</b>	(REGISTRANT) Starz Entertainment Group LLC LIMITED LIABILITY COMPANY COLORADO 8900 Liberty Circle Englewood COLORADO 80112

(LAST LISTED OWNER) STARZ ENTERTAINMENT, LLC CORPORATION COLORADO 8900  
LIBERTY CIRCLE ENGLEWOOD COLORADO 80112

<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	David E. Sipiora
<b>Prior Registrations</b>	2368620;2604003;2662717;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WESTERNS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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